

Meeting Body: Salt Lake County Council

Meeting Date: May 21st, 2024

Planner: Kayla Mauldin, Senior Long Range Planner

Project Name and File Number: OAM2024-001114, Chapter 19.15 Amendments

Project Type: Amend Text Ordinance

Areas Affected: This amendment affects Chapter 19.15 of Salt Lake County Code, which covers all Unincorporated Areas. However, properties in R zones, A zones, Forestry zones, and the PC Zone will be most impacted as these are the zones that allow for ADUs.

Key Findings:

- As one of its state-required moderate income housing strategies, Salt Lake County elected to allow for and reduce barriers to accessory dwelling unit construction.
- Several regulatory barriers currently limit the ability of homeowners to add ADUs to their property.
- Amendments to Chapter 19.15 of County Code, including minimum lot size and setback standards, can reduce regulatory barriers.

Staff Recommendation: Staff recommends that the Council adopt amendments to Chapter 19.15, with or without revisions as needed following the public hearing.



GREATER SALT LAKE
**Municipal Services
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SUMMARY

A public hearing to receive comments on proposed amendments to Salt Lake County Code Chapter 19.15 (*Accessory Dwelling Units*) will be held at the Salt Lake County Council (“Council”) meeting on May 21st, 2024. Following the public hearing, the Council may adopt, adopt with revisions, or not adopt the amendments as drafted.

Proposed amendments include the following:

1. Reducing the minimum lot size and required on-site parking spaces for detached ADUs, and reducing setback requirements for ADUs in already existing structures;
2. Amending the height requirements for detached ADUs;
3. Allowing ADUs within the front yard on large lots; and
4. Ensuring compliance with state code and providing general clarification and clean-up of the existing language.

The proposed amendments are part of the County’s ongoing implementation of its Moderate Income Housing Plan. To qualify for key funding sources, the County was required to adopt five housing strategies for its Unincorporated Areas, one of which was Strategy E: “create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones”. Annually, the County must report its progress toward implementing the adopted strategies.

ATTACHMENTS

The following attachments are included as supplementary materials to the end of this staff report:

1. Proposed black-line amendments to County Code Chapter 19.15, *Accessory Dwelling Units*, incorporating Planning Staff and Commission recommendations.
2. ADU Survey Results for Salt Lake County.

BACKGROUND

Project Purpose:

In 2022, Salt Lake County amended its Moderate Income Housing Plan in order to comply with SB 34. The County adopted five strategies for encouraging the construction and preservation of Moderate Income Housing, including Strategy E: "Create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones".

The Moderate Income Housing Plan had found that over 23% of households in Unincorporated Salt Lake County experienced housing cost-burden (i.e. spending more than 30% of their household income on housing costs). The housing cost-burden was a significant issue for both renter and owner households. ADUs were championed as a tool for addressing housing shortages and affordability in Unincorporated Salt Lake County because they have the potential to:

- Provide small-scale, affordable rental housing options within traditional neighborhoods (a recent study by the Turner Center for Housing Innovation found that ADUs are offered for 58% below market rent on average);
- Produce supplemental income for homeowners, which means ADUs can address both renter and owner affordability;
- Allow for multi-generational living while preserving privacy;
- Create opportunities for residents to age in place; and
- Use less energy than larger homes, leading to lower utility bills for owners and tenants and community-wide sustainability benefits (*Expanding ADU Development and Occupancy*, American Planning Association and AARP, 2023).

Prior to adopting its Moderate Income Housing Plan, Salt Lake County adopted an ordinance allowing for internal and detached ADUs in residential zones (2021). However, since that ordinance was adopted, and despite interest received from property owners, only three applications for ADUs have been submitted. This further highlights the need for the County to explore impediments to ADU construction and to continue taking action in support of Moderate Income Housing Strategy E.

The County's Moderate Income Housing Plan established four steps for implementing Strategy E:

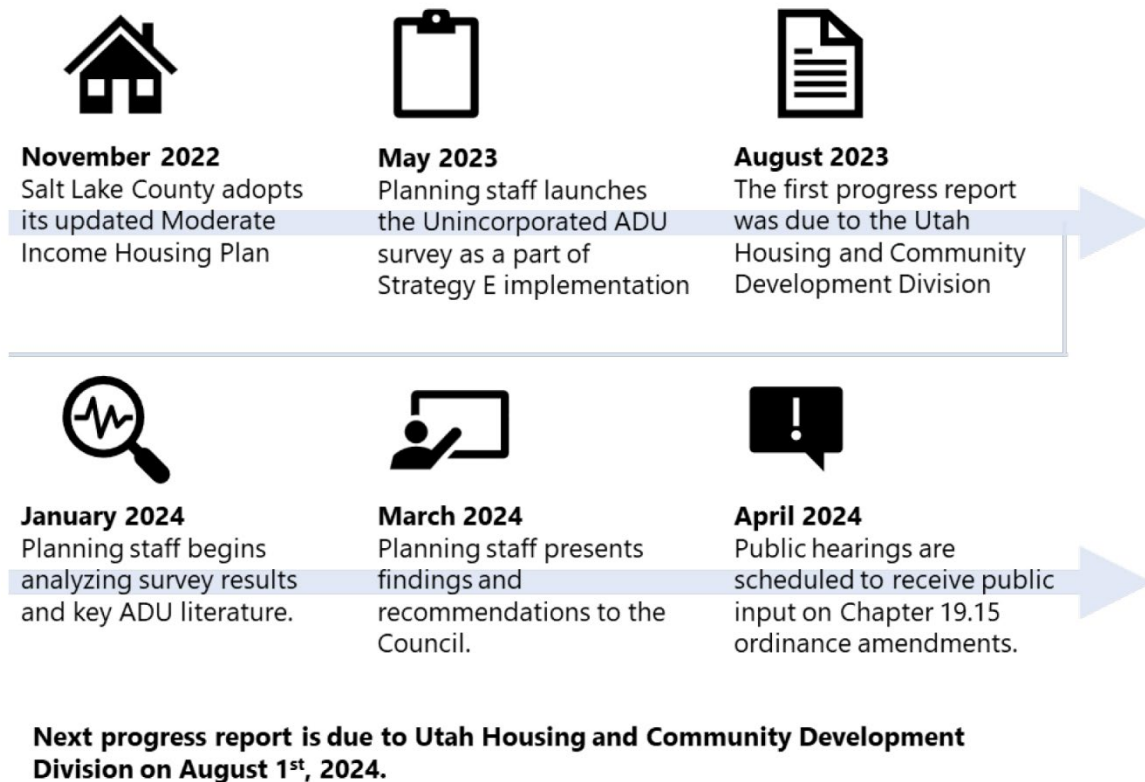
1. Researching existing barriers to ADU construction in Unincorporated Salt Lake County;
2. Reviewing case studies related to overcoming identified barriers;
3. Presenting findings to the Salt Lake County Council; and
4. Implementing solutions as directed by the Council.

The planning staff finished their preliminary analysis of barriers faced by potential ADU applicants in February 2024. Staff presented their findings and several recommendations to the Council at the Council Meeting on March 12th, 2024. A near-term recommendation from staff was to amend County Code Chapter 19.15 in order to remove recognized regulatory barriers to ADU construction. At the March 12th meeting, the Council authorized planning staff to proceed with introducing proposed amendments to the Salt Lake County Planning Commission and Mountainous Planning District Planning Commission. The proposed ordinance amendments represent a key strategy in implementing the County’s Moderate Income Housing Strategy E. Planning staff must provide annual reports to the state regarding housing strategy implementation progress in order to remain eligible for key funding sources, including State Transportation Commission funding.

Project Timeline:

Staff launched the ADU survey for Unincorporated residents in May 2023. The survey results informed recommendations which were presented to the Council at their March 12th, 2024 meeting. In April, the Planning Commissions held public hearings on the proposed amendments. Both Commissions provided a positive recommendation to the Council. On May 21st, 2024, the Council will hold an additional public hearing to gather public input. Following that hearing, the Council may make a final decision regarding the amendments. Staff must submit an updated progress report to the Utah Housing and Community Development Division by August 1st, 2024.

Figure 1: Strategy E Implementation Timeline.



Methodology:

Planning staff utilized the following tools and resources in the drafting of amendments to Chapter 19.15.

GIS: The planning staff completed an initial GIS analysis to determine whether the regulations of Chapter 19.15 of County Code presented a barrier to homeowners who would like to add ADUs to their properties. The analysis looked solely at the ordinance's lot size requirements to determine what percentage of single-family parcels within Salt Lake County were eligible to add an ADU. Kennecott and federally-owned properties were excluded from the analysis as Salt Lake County has limited jurisdiction over uses on these lands and some of those properties still host active mining operations.

The planning staff found that 92% of all single-family lots were at least 6,000 sq.ft. in size. Internal ADUs are permitted on lots that are 6,000 sq.ft. or larger in size. However, the existing ordinances only allow for detached ADUs on lots with an area of at least 12,000 sq.ft.. Only 41% of single-family parcels within the County currently meet this requirement. *This analysis does not account for other property constraints that may prohibit ADU development, such as lot coverage, setbacks, and needed utility connections.*

The analysis revealed that lot size requirements are a clear barrier for ADU development in the Unincorporated County, rendering nearly 60% of all single-family parcels ineligible for detached ADU construction. Planning staff used additional methods of analysis to determine what other barriers may be encountered by residents interested in constructing ADUs in Unincorporated Salt Lake County.

Survey: In the summer of 2023, planning staff launched an online survey to understand the challenges faced by existing and future ADU applicants. Although, planning staff only received 17 responses from Unincorporated Salt Lake County residents were very insightful to barriers faced with current ordinance requirements. Of those respondents, six (approximately 35%) stated that they were interested in adding an ADU to their property but felt there were too many regulations preventing them from doing so. Another five (29%) were interested in adding an ADU but had not pursued an application.

Surprisingly, when asked what barriers respondents faced or perceived in constructing ADUs, the greatest barrier identified was "not knowing if they are allowed in [my] area". Other common barriers included zoning or building requirements in general, cumbersome permitting processes, the cost of designing and/or constructing an ADU, and fear that neighbors would complain if the respondent added an ADU to their property. Among zoning regulations that impact an applicant's eligibility for ADU construction, respondents identified lot size requirements as the biggest barrier. Other barriers included use requirements in the underlying zone, setback requirements, and parking requirements.

Literature Review: While the survey results provided helpful context on conditions unique to Unincorporated Salt Lake County, planning staff recognized that the low response rate required further research into ADU barriers. Several publications were reviewed by planning staff, one of the most critical being, “Expanding ADU Development and Occupancy: Solutions for Removing Local Barriers to ADU Construction”, which was released by the American Planning Association and AARP in 2023. This publication explores political, regulatory, procedural, and financial impediments to ADU construction and offers solutions for addressing each. Staff used available literature in combination with the ADU survey results to tailor recommendations for addressing ADUs in Unincorporated Salt Lake County. Several of the solutions offered by the AARP and American Planning Association guide translated directly into recommended amendments to County Code Chapter 19.15.

State Code Requirements:

Internal ADUs: Utah Code §17-27a-526 addresses internal accessory dwelling units. Internal accessory dwelling units (ADUs) are defined as ADUs that are created within a primary dwelling and for the purposes of offering a long-term rental of at least thirty days (i.e. not a short-term rental).

Under the Utah Code, Counties must allow internal ADUs as permitted uses in any zone where residential is the primary use. Counties are also prohibited from governing certain characteristics of internal ADUs including size, street frontage, internal connectivity, and some architectural elements (§17-27a-526(2)). Counties are only allowed to require owners of internal ADUs to provide one additional on-site parking space, beyond the minimum requirements for the primary dwelling. Counties are authorized to require owner-occupancy on properties with internal ADUs, to require that any lot with an internal ADU be at least 6,000 square feet in size, and to prohibit the use of internal ADUs for short-term rentals (§17-27a-526(4)). Salt Lake County is currently in compliance with Utah Code related to internal ADUs.

Detached ADUs: Utah Code does not place any restrictions on the County’s authority to regulate detached accessory dwelling units (ADUs). Detached ADUs are units that are located outside of the footprint of the primary building, such as an apartment over a detached garage, or a caretaker unit in the back yard. In 2021, Salt Lake County adopted an ordinance which allowed for detached ADUs only on lots that were a minimum of 12,000 square feet in size; the ordinance also required owners to provide two additional on-site parking spaces for the ADU.

Ordinance Amendment Process: Utah Code §17-27a-502 regulates the preparation and adoption of land use regulations or amendments. In keeping with State Code, both the Mountainous Planning District Planning Commission and Salt Lake County Planning Commission were required to hold a public hearing on the proposed ordinance amendments. Following the hearings, the Commissions gave recommendations of adoption with revisions to the Council. The Salt Lake County Council may make a decision on the ordinance amendments at their next meeting. As the legislative body for Salt Lake County, the County Council has the final decision-making authority on this matter.

ORDINANCE CONTENT

Existing Ordinance:

The survey results, literature review, and GIS analysis support the following challenges to the existing Accessory Dwelling Unit Ordinance (Chapter 19.15) in Salt Lake County Code:

1. The minimum lot size dictated for detached ADUs is too restrictive, rendering nearly 60% of residential properties in Unincorporated Salt Lake County (not including Kennecott and federally-owned property) ineligible;
2. The minimum setback requirements for detached ADUs do not accommodate existing accessory structures which typically have smaller setbacks and which could be converted to housing;
3. The requirement for two on-site parking spaces for detached ADUs does not meet current planning best practices, may restrict the feasibility for homeowners wanting to add ADUs to their property, and is inconsistent with the parking requirements for internal ADU notwithstanding their similar character;
4. The existing height limitations on ADUs are not consistent with neighborhood character; and
5. The prohibition on ADUs in the front yard of properties does not consider the unique conditions of large lots with large front yards, where the primary dwelling is located near the rear lot line.

Proposed Amendments:

Several amendments are proposed to reduce barriers to ADU construction, ensure compliance with Utah Code, and improve clarity for applicants and staff. Key revisions recommended by staff are outlined in Table A. The full ordinance (Chapter 19.15) with black-line amendments can be found at the end of this document as Attachment 1.

Table A: Key Revisions Proposed to Salt Lake County Code Chapter 19.15 (prior to Commission recommendations).

Section Number	Proposed Revision	Justification
19.15.020	Change the definition of a primary dwelling to include the garage if the garage is habitable and connected to the house by a common wall.	The Utah Code definition of primary dwelling was updated by legislation in 2023. This change brings the County into conformance with Utah Code.
19.15.030	Reduce the minimum lot size for detached ADUs from 12,000 to 7,000 square feet.	At 12,000 square feet, only 41% of residential lots in Unincorporated County are eligible to add a detached ADU to their property. With the proposed revision, 84% (2,191) of properties become eligible. <i>This estimate is based on lot size only. Other regulations also limit eligibility.</i>
19.15.050	Adopt new setback standards for detached ADUs in a pre-existing accessory structure, which allow for converted structures to maintain their original setbacks so long as they conformed with setback standards at the time they were built.	This amendment reduces homeowner costs and preserves the built form of existing neighborhoods by allowing property owners to convert existing structures to ADUs without having to come into compliance with different setback standards. A 6 feet minimum setback between the primary dwelling and ADU is maintained for fire safety purposes.
19.15.060	Reduce the required on-site parking spaces for a detached ADU from 2 spaces to 1.	Only one on-site space is required for internal ADUs. There is no difference in occupancy between internal ADUs and detached ADUs. Neither type of unit may be occupied by more than one family. This change brings consistency in standards between the two types.
19.15.070	Set a maximum height for detached ADUs, which in no case exceeds the height of the primary dwelling.	This revision specifies that detached ADUs can be up to 20 feet or up to the height of the primary dwelling, depending on the distance the ADU is setback from the property line.
19.15.110	Allow ADUs to be built in the front yard if the lot is at least one acre in size and if the ADU is set back at least 30 feet from the front property line.	This revision addresses unique conditions in which property owners have large lots with large front yards (primary dwelling set back from the street). The changes allow these property owners the option of adding an ADU to their property.

STAFF ANALYSIS

Compatibility with Existing Plans:

Staff reviewed all Salt Lake County General Plans and found that the proposed ordinance amendments are compatible with the vision of these plans:

- The amendment of Chapter 19.15 to reduce barriers to ADU development furthers the implementation of Strategy E in the County's Moderate Income Housing Plan.
- In both the Wasatch Canyons General Plan and the West General Plan, accessory dwelling units are identified as a County housing strategy. Specific implementation actions related to ADUs are not identified.
- The Sandy Hills General Plan does not directly address ADUs.

Integration of Stakeholder and Public Engagement:

Planning staff engaged with Unincorporated Salt Lake County residents through a survey and informal applicant conversations to understand what barriers they faced in the development of ADUs. The survey was conducted during the Summer of 2023. Only 16 residents of Unincorporated Salt Lake County responded to the survey, but their qualitative feedback was helpful in identifying conditions that were unique to the County. For example, it was a survey respondent that made staff aware of the challenge with universally prohibiting ADUs in the front yard of properties. It was feedback from applicants that alerted staff to the fact that the minimum lot size and setback standards for detached ADUs were too restrictive. Planning staff were able to corroborate the input received with recommendations from the literature regarding ADU development barriers and solutions. Survey results for Unincorporated Salt Lake County can be found in Attachment 3.

Planning staff presented information on ADU development barriers and best practices at the Council meeting on March 12th (see Attachment 3). During that discussion, planning staff recommended that the Council authorize them to proceed with moving amendments to Chapter 19.15 through the adoption process. The Council was presented with the proposed amendment language but did not consider the revisions at that time. They authorized planning staff to move the ordinance amendments forward through the formal process.

On April 17th, Salt Lake County Planning Commission held its hearing on the drafted amendments. The Commission gave a recommendation of adoption with the following revisions:

1. Detached structures that legally existed prior to the adoption of this ordinance may be converted to ADUs without modifying the structure's rear or side setback. If that setback happens to be less than ten feet (10'), then the maximum height of the ADU is twenty feet (20'). If the setback is ten feet (10') or more, then the ADU may be as tall as the primary dwelling.

2. New detached ADUs must follow the same setbacks as the primary dwelling. If that setback is less than ten feet (10'), then the maximum height of the ADU is twenty feet (20'). If the setback is ten feet (10') or more, then the maximum height is the same as the primary dwelling.

Mountainous Planning District Planning Commission (MPDPC) held a hearing on April 18th. MPDPC also gave a recommendation of adoption with the following revisions:

1. MPDPC recommended the same language related to setbacks as the Salt Lake County Planning Commission.
2. Specify that ADUs are not allowed if a connection to water, sewer, and electricity cannot be established.

Planning Staff partially incorporated the Commission's recommendations into Attachment 1. Planning Staff's recommended amendments do vary slightly from the recommendations of the Commission. The following items warrant special consideration from the Council:

1. *Height:* Planning staff recommend following the Commission's proposal for a variable height based on the setback. This change was recommended in order to address privacy concerns.
2. *Setback:* Planning staff do not recommend adopting the Commissions' proposed language for new detached ADUs. The Commissions recommended that new detached ADUs follow the same setback as the primary dwelling. For rear yard setbacks, this would range from 15-30' in single-family zones. That exceeds the existing standards which call for side yards to follow the setbacks of the primary dwelling (usually 5-10') and for rear yards to be a maximum of ten feet (10'). Requiring larger setbacks conflicts with the intent of the ordinance amendments, which is to reduce regulatory barriers to ADU construction and further the implementation of Moderate Income Housing Strategy E. Rather than making the change recommended by the Commissions, Planning Staff suggest leaving the setbacks for new detached ADUs as they are currently.
3. *Utility Connections:* The Mountainous Planning District Planning Commission recommended that the ordinance be revised to require proof of water, sewer, and other utility connections. Planning Staff incorporated this recommendation into Attachment 1 with some caveats. The proposed language requires verification of available water and sewer connections. However, it also clarifies that sewer connection is not required if the ADU is on a septic system which is built to and functioning in accordance with Salt Lake County Health Department Standards. Electric / power connections are verified during the building permit process and do not need to be addressed separately in Chapter 19.15.

Consistency with State Code Requirements:

Planning staff has reviewed the proposed Chapter 19.15 language and finds that it complies with all applicable regulations found in Utah Code §17-27a-526. In addition, this item has been noticed according to the requirements of Utah Code. On May 21st, the public will have the opportunity to provide additional input to the Salt Lake County Council regarding the proposed amendments to the Accessory Dwelling Unit Ordinance.

Anticipated Impacts:

The intent of the proposed ordinance amendments is to reduce existing regulatory barriers to ADU development in Unincorporated Salt Lake County. The clearest impact of adopting these amendments as drafted is that 1,136 additional residential lots within Unincorporated Salt Lake County could become eligible to add a detached ADU (GIS analysis completed March 2024). Staff also expects that the reduced minimum setback standards for ADUs within existing accessory structures will reduce homeowner costs associated with ADU construction (allowing for increased rehabilitation of structures as opposed to new construction). If these ordinance amendments are successful, planning staff could see an increase in the number of ADU applications received in the years after the effective date of the ordinance. An increase in ADU applications and ADUs receiving necessary permits demonstrates that Salt Lake County is fulfilling its obligation to implement Strategy E of its Moderate Income Housing Plan.

STAFF RECOMMENDATION

Planning Staff has thoroughly reviewed the drafted amendments to Chapter 19.15 of County Code. In addition, the draft was sent to Salt Lake County Office of Regional Development Staff and the County's land use attorney for comment. Based on their review and analysis, staff finds that the proposed ordinance amendments (Attachment 1):

1. Reduce regulatory barriers to ADU development, as identified in the ADU Survey, GIS Analysis, and Literature Review;
2. Directly respond to barriers faced by ADU Survey respondents and current or former ADU applicants;
3. Support the County's adopted plans, including the Moderate Income Housing Plan, Wasatch Canyons General Plan, and West General Plan; and
4. Comply with all related provisions of Utah Code.

Given the above findings, staff recommends that the Council:

Adopt the amendments to County Code Chapter 19.15, as presented in Attachment 1, with or without revisions as needed following the public hearing.

NEXT STEPS

After the public hearing in front of the Council, the Council may choose to adopt, adopt with revisions, or not adopt the ordinance amendments. By August 1st, planning staff must send a Moderate Income Housing Report to the Utah Housing and Community Development Division detailing how Strategy E and other strategies from the Moderate Income Housing Plan have progressed since August 2023.

Attachment 1

SALT LAKE COUNTY ORDINANCE

ORDINANCE NO. _____, 2024

REVISION OF THE SALT LAKE COUNTY CODE CHAPTER REGARDING ACCESSORY DWELLING UNITS

AN ORDINANCE OF GENERAL REVISION, AMENDING TITLE 19, CHAPTER 15, ENTITLED “ACCESSORY DWELLING UNITS” OF THE SALT LAKE CODE OF ORDINANCES, 2001, TO IMPLEMENT SALT LAKE COUNTY’S MODERATE INCOME HOUSING PLAN BY BETTER ACCOMMODATING ADUs AS AN AFFORDABLE HOUSING OPTION, WHILE BALANCING IMPACTS ON OTHER PROPERTIES; UPDATING THE CHAPTER FOR COMPLIANCE WITH STATE LAW AND FOR CLARIFICATION; AND MAKING OTHER RELATED CHANGES.

The County Legislative Body of Salt Lake County ordains as follows:

SECTION I. The amendments made here are designated by underlining the new substituted words. Words being deleted are designated by brackets and interlineations.

SECTION II. Chapter 19.15 of the Salt Lake County Code of Ordinances is amended as follows.

19.15.010 - Purpose.

Salt Lake County recognizes that accessory dwelling units in single-family residential zones can be an important tool in ~~[in the overall housing plan for Salt Lake County]~~ meeting Salt Lake County’s moderate income housing needs. The purposes of the accessory dwelling unit (“ADU”) standards of this code are to:

- A. Comply with ~~[pending]~~ State of Utah legislation which allows for internal ~~[accessory dwelling units]~~ ADUs generally and requires counties to adopt an ordinance if they wish to regulate certain requirements of the dwellings;
- B. Allow opportunities for property owners to provide social or personal support for family members where independent living is desirable;
- C. Provide for ~~[affordable]~~ moderate income housing opportunities;

- D. Make housing units available to ~~[moderate income people]~~households with moderate incomes who might otherwise have difficulty finding housing in Salt Lake County;
- E. Provide opportunities for additional income to offset rising housing costs;
- F. Develop housing units in single-family neighborhoods that are appropriate for people at a variety of stages in the life cycle;
- G. Preserve the character of single-family neighborhoods by providing standards governing development of ~~[accessory dwelling units]~~ADUs; and
- H. Ensure that ~~[accessory dwelling units]~~ADUs are properly regulated by requiring property owners to obtain a business license and a building permit for an ADU prior to renting the ADU.

19.15.020 - Definitions.

[The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

"Accessory dwelling unit" (ADU) means a self-contained dwelling unit located on an owner-occupied property that is either incorporated within the single-family residence (IADU) or in a detached building (detached ADU) and is further defined by this chapter and by Utah State Code.

"Internal accessory dwelling unit" (IADU) means an accessory dwelling unit created:

- A. Within a primary dwelling;
- B. Within the footprint of the primary dwelling at the time the internal accessory dwelling unit is created; and
- C. For the purpose of offering a long-term rental of thirty consecutive days or longer.

"Owner occupancy" means a property where the property owner, as reflected in title records, makes his or her legal residence at the site, as evidenced by voter registration, vehicle registration, driver's license, county assessor records or similar means.

"Primary dwelling" means a single-family dwelling that is detached and is occupied as the primary residence of the owner of record.

- A. "Primary dwelling" includes a garage if the garage is a habitable space and is connected to the primary dwelling by a common wall.

"Public utility easement" (PUE) means an area on a recorded plat map or other recorded document that is dedicated to the use and installation of public utility facilities.

19.15.030 - Allowed areas and zones.

- A. IADUs shall be a permitted use on single family home lots in areas zoned primarily for residential use with a lot area of six thousand square feet or greater, including R zones, A zones, Forestry zones, and the PC Zone. Detached ADUs are also permitted but may only be built on single family home lots with an area of [~~twelve~~]seven thousand square feet or greater, except that detached ADUs in a PC Zone are permitted on single family home lots with a minimum area of six thousand square feet if the county has approved design standards for the same.
- B. In no case shall an ADU be permitted in a townhome, a multi-family PUD or other attached unit type, or on any lot that cannot satisfy parking, setback, or lot coverage requirements.

19.15.040 - Number of residents.

ADUs shall not be occupied by more than one family.

19.15.050 - Setbacks.

- A. Internal ADUs. Setbacks on IADUs are the same as the setbacks for a single-family dwelling in the zone.
- B. Detached ADUs Built After Adoption of this Chapter. Side yard setbacks on detached ADUs will be consistent with setbacks for a single-family dwelling in the zone. Rear yard setbacks on detached ADUs are a minimum of ten feet. Detached ADUs must also be a minimum of six feet from the main dwelling. For detached ADUs, if existing PUEs are greater than the required setback, the minimum setback will be the PUE boundary.
- C. Conversion of Existing Accessory Structures Built Prior to the Adoption of this Chapter. Side yard and rear yard setbacks on existing accessory structures built prior to the adoption of this Chapter, which are to be converted to a detached ADU, shall comply with the accessory structure setback standards at the time the structure was legally erected. The detached ADU shall be set back a minimum of six feet (6') from the primary dwelling. An exception to these setbacks is an existing structure that has been declared a noncomplying structure under section 19.88.150.

Figure 19.15.1: Setback Standards for a Detached ADU Built After Adoption of this Chapter.

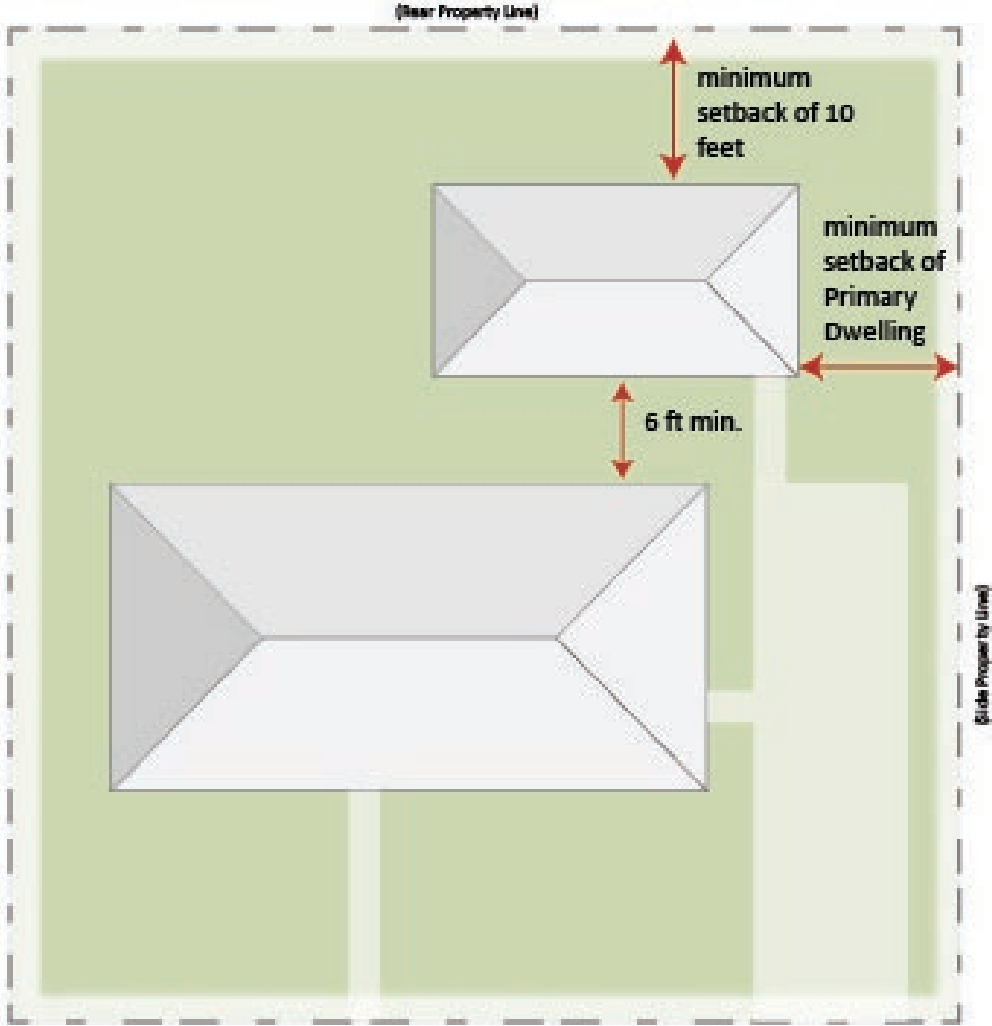
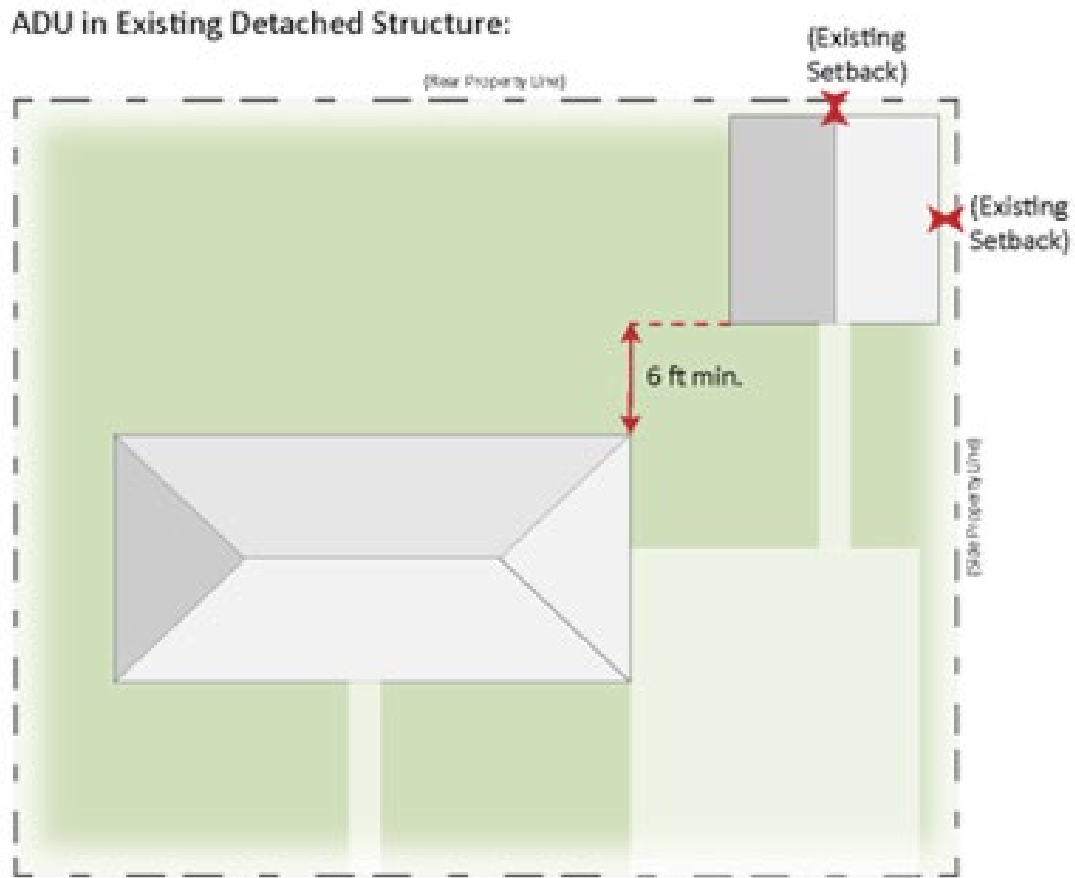


Figure 19.15.2: Setback Standards for an Existing Accessory Structure Built Prior to the Adoption of this Chapter and Converted to a Detached ADU.



19.15.060 - Parking requirements.

In addition to the required parking for the existing home, the property owner must demonstrate that at least one on-site parking space is available for the~~an IADU, and that two on-site parking spaces are available for a detached ADU~~ADU. A property owner bears the burden of showing by a preponderance of the evidence that sufficient parking is available. In cases where garage conversions are done to create an IADU or detached ADU, any parking spaces that previously existed and were required to meet off-street parking requirements for the primary dwelling shall be replaced. ~~[- Replacement on-site parking spaces are required for the primary dwelling in a number equal to the parking spaces eliminated by such ADU.]~~

19.15.070 - Height requirements.

~~[Detached ADUs shall be no taller than the existing home]~~ Height restrictions for IADUs shall be consistent with the height standards for single-family dwellings in the zone. Detached ADUs shall comply with the following height requirements:

1. For detached ADUs with a rear or side yard setback of less than ten feet (10'): the maximum height is twenty feet (20');
2. For detached ADUs with a rear or side yard setback of ten feet (10') or more: the maximum height is the height of the primary dwelling.

19.15.080 - Lot coverage

Lot coverage maximums as outlined per each zone. Any additions to an existing building or construction of a detached ADU shall comply with Section 19.15.050 and except as provided in that section, shall not exceed the allowable lot or rear yard coverage standard for the underlying zone.

19.15.090 - Owner occupancy

The principal unit or the ADU must have owner occupancy, except for medical, military service, or religious reasons for a time period of up to two years. If an absence is warranted due to the above reasons, an on-site manager shall be designated. The property owner may not receive rent for the unit that was occupied by the owner. An application for an ADU shall include evidence of owner occupancy.

19.15.100 - Number of ADUs per lot.

~~[If one IADU on a lot exists, a detached ADU is not allowed.]~~ No more than one ADU, whether internal or detached, is permitted per lot.

19.15.110 - ADU design standards.

- A. An approved building permit is required for all ADUs before an ADU is constructed, and all other applicable provisions of this chapter and the Salt Lake County Code must be met before an ADU can be rented. Existing non-compliant ADUs may come into compliance by receiving a permit and verifying existing work was done according to code.

- B. A building permit may not be issued for an ADU until the applicant has provided written confirmation from the applicable water supplier that the ADU complies with all applicable water service requirements.
- C. The design and size of an ADU shall conform to all applicable building, fire, and health codes, including applicable water service requirements. The design and size of a detached ADU shall conform to these codes and any other applicable codes and a building permit.
- D. Detached ADUs shall have a permanent concrete slab on which they are built, unless they are constructed above a garage.~~Detached ADUs shall have a permanent foundation on which they are built.~~ Detached ADUs are not allowed to be built on a foundation with a basement, on piers, or on any temporary or wheeled structure.
- E. Conversions of an existing space to an ADU will require compliance with safety requirements per building code including, but not limited to, egress windows with window wells in case of emergency, and sufficient HVAC and climate control for the ADU.
- F. IADUs shall~~will~~ not require a separate HVAC or firewall.
- G. The o[Ø]wner shall provide a separate address marking for emergency services and mailing services.
- H. Detached ADUs shall not be located in a front or corn[er] lot side yard unless the lot size is at least one acre and the detached ADU is at least thirty feet (30') from the front lot line.
- I. New Detached [WUs]ADUs must be offset ten feet or more from the front facade of the main dwelling.
- J. Any detached ADU shall have adequate facilities for all discharge from roof and other drainage.
- K. Single family residences with a detached ADU shall retain the same appearance as a single-family residence.
- L. An existing accessory building may be converted into an ADU provided that it meets the same ADU requirements in this chapter.

19.15.120 - Affidavit and notice of accessory dwelling unit.

Applicants for ADUs shall provide an affidavit stating that the owner of the property will live in either the primary dwelling or ADU as their permanent residence. Upon approval of the ADU by the building official, and upon the issuance of a business license pursuant to Section 19.15.130, a notice of accessory dwelling unit including the affidavit shall be recorded against the property to provide notice to a future owner of the owner occupancy requirement for the ADU. Upon sale of the property, the new owner shall be required to sign and record a new affidavit and secure reauthorization of the ADU by the building and business license officials. A copy of the recorded notice ~~will~~shall be provided to the applicant when completed.

19.15.130 - Business licensing

Prior to renting out any ADU, a business license must be obtained. That license must be maintained as long as the unit is rented out.

19.15.140 - Retention of single-family residence status and verification of water and sewer

- A. ADUs are part of a single-family residence and shall not be used as a multi-family residence.
- B. ADUs may not be separately metered apart from the single-family residence.
- C. Applications for ADUs must include submittal of written verification from water and sewer providers that water and sewer are available to the ADU (or in the event of a septic system, verification from the Salt Lake Health Department that the system meets applicable regulations and is performing properly).
- D. ADUs may not be sold or subdivided separately from the single-family residence.

19.15.150 - Short-term rental use prohibited

Units approved as ADUs shall not be used as short-term rentals. Any rentals shall be made for thirty consecutive days or more.

19.15.160 - Variances

The land use hearing officer may grant variances to the standards of this chapter in accordance with Section 19.92.040. The land use hearing officer may not grant a variance from building code requirements, owner occupancy provisions, square footage requirements, or the number of units allowed per lot.

SECTION III. This ordinance shall become effective fifteen (15) days after its passage and upon at least one publication of the ordinance or a summary thereof in a newspaper published and having general circulation in Salt Lake County.

APPROVED AND ADOPTED this _____ day of _____, 2024.

SALT LAKE COUNTY COUNCIL

By: _____
Chair

ATTEST:

Lannie Chapman
Salt Lake County Clerk

REVIEWED AS TO FORM & LEGALITY:

ORDINANCE HISTORY	
Councilmember Bradley voting	_____
Councilmember Bradshaw voting	_____
Councilmember Theodore voting	_____
Councilmember Stewart voting	_____
Councilmember Granato voting	_____
Councilmember Winder Newton voting	_____
Councilmember Stringham voting	_____
Councilmember Harrison voting	_____
Councilmember Alvord voting	_____

Vetoed and dated this _____ day of _____, 2024.

By: _____
MAYOR JENNIFER WILSON
OR DESIGNEE

(Complete as Applicable)

Veto override: Yes _____ No _____ Date _____

Ordinance Published in Newspaper: Date _____

Effective Date of Ordinance: _____

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SUMMARY OF

SALT LAKE COUNTY ORDINANCE NO. _____

On the _____ day of _____, 2024, the County Council of Salt Lake County adopted Ordinance No. _____, an ordinance of general revision, amending Title 19, Chapter 15, entitled "Accessory Dwelling Units" of the Salt Lake Code of Ordinances, 2001, to implement Salt Lake County's moderate income housing plan by better accommodating ADUs as an affordable housing option, while balancing impacts on other properties; updating the Chapter for compliance with state law and for clarification; and making other related changes.

SALT LAKE COUNTY COUNCIL

By: _____
Chair

ATTEST:

Lannie Chapman
Salt Lake County Clerk

APPROVED AS TO FORM:

Councilmember Bradley voting	_____
Councilmember Bradshaw voting	_____
Councilmember Theodore voting	_____
Councilmember Stewart voting	_____
Councilmember Granato voting	_____
Councilmember Newton voting	_____
Councilmember Stringham voting	_____
Councilmember Harrison voting	_____
Councilmember Alvord voting	_____

A complete copy of Ordinance No. _____ is available in the office of the Salt Lake County Clerk, 2001 South State Street, N2-100A, Salt Lake City, Utah.

Attachment 2

Unincorporated Accessory Dwelling Unit Survey Results (2024)

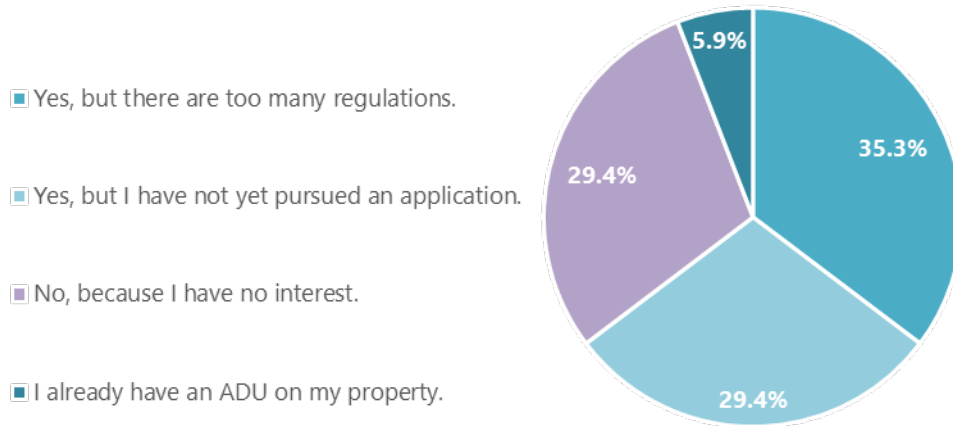
17 residents in Unincorporated Salt Lake County responded to the survey.

1. How familiar are you with accessory dwelling units? (n=17)

Answer	Count
I know what they are.	15
I have heard of them before.	2
I do not know what they are.	0

2. Have you considered adding an ADU to your own property? (n=17)

Answer	Count
Yes, but there are too many regulations.	6
Yes, but I have not yet pursued an application.	2
Yes, and I am in the process of applying.	0
No, because I have no interest.	5
I already have an ADU on my property.	1



3. You answered that you currently have an ADU on your property. Which of the following best describes your ADU? (n=1)

This question was only visible to respondents who said they had an ADU on their property already.

Response: Non-permitted internal or attached ADU constructed prior to 2021.

**4. Would you support the construction of additional ADUs in your neighborhood?
(n=5)**

This question was only visible to respondents who said that they have NOT considered adding an ADU to their property.

Answer	Count
Yes	1
No	3
I don't have a preference.	1

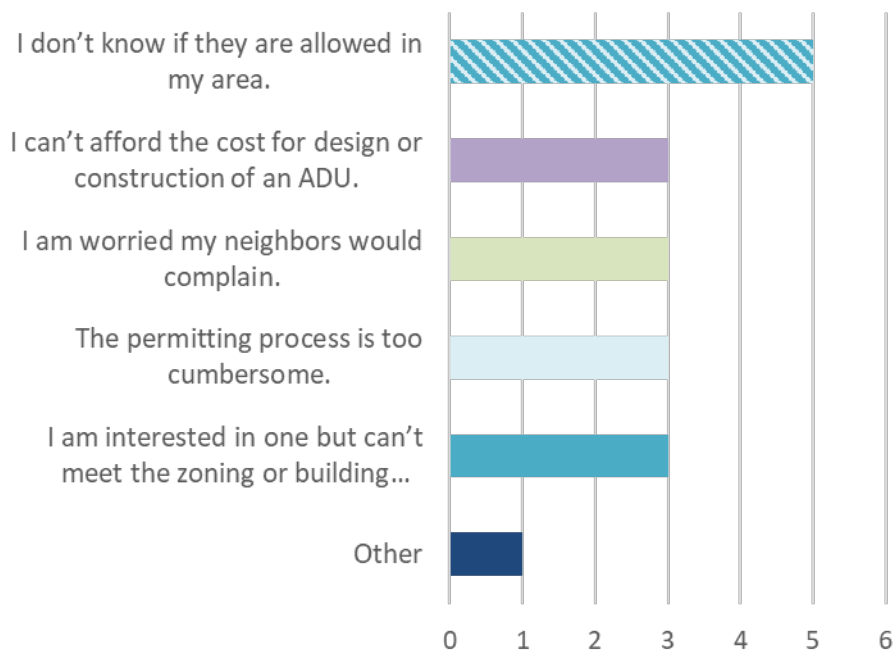
Respondents were asked to explain their answer:

- **No:** "Original zoning was designed for a reason. ADU's make a neighborhood look like a city. More dwellings on a small parcel, same for more dwellings on a large parcel. The legislators want a city everywhere. To much building of dwellings is a poor solution for not enough housing. AND WHEN DOES IT END? Pass an ordinacne to raise ADU's up to fifty feet for more floors???"
- **No:** "All you have to do is look at the container home at 1380 E 8555 S - it's an eyesore. I can't understand how that thing was ever approved. If code enforcement lived next to this thing, it would never have been allowed to be constructed. THREE shipping containers in the neighbors back yard with a makeshift roof. It's hideous in addition to blocking my view of the mountains. There should be strict rules with regard to neighbor and neighborhood impact. I feel as though a junk yard has been established next door. This is the type of project that should be denied as it has negatively impacted our neighborhood."
- **No:** Many or the ADUs in my area are unsightly and not well cared for, increased parking problems (vehicles parked on lawns, lots of vehicles parked up and down the street, etc.), increased amount of garbage on properties, increased noise levels, and generally do not contribute to the quality of life in my neighborhood.
- **Yes:** "It's happening now. Might as well make it legal."

5. What has prevented you from considering adding an ADU to your property or from starting the application process? (n=11)

Respondents were encouraged to 'Select All that Apply'.

Answer	Count
I am interested in one but can't meet the zoning or building requirements.	3
The permitting process is too cumbersome.	3
I am worried my neighbors would complain.	3
I can't afford the cost for design or construction of an ADU.	3
I don't know if they are allowed in my area.	5
I don't own my current residence.	0
I am not interested in renting my home/ accessory structure to anyone.	0
Other: "still trying to decide if it is the right move for me"	1



6. Which part(s) of the building permit process are most likely to present a barrier to you? (n=6)

This question was only visible to respondents who said they have considered adding an ADU to their property.

Respondents were encouraged to 'Select All that Apply'.

Answer	Count
Window size requirements (emergency egress)	0
The initial permitting fees	2
Cost of hiring a draftsman/architect to draw the plans	2
Facilitating required utility connections	3
Understanding the process and regulations	5
Other: "Uncertain about contractor quality"	1

7. If you answered that regulations are a barrier, which zoning requirements currently prevent (or may prevent) your property from being eligible for an ADU? (n=6)

This question was only visible to respondents who said that zoning or building regulations, or not knowing regulations, prevented them from applying for permits for an ADU.

Respondents were encouraged to 'Select All that Apply'.

Answer	Count
Lot size requirements for detached ADUs	3
Zoning district doesn't allow ADUs.	2
Parking requirements	1
I didn't know there were zoning restrictions related to ADUs.	1
Setback requirements for detached ADUs	1
Other: "I have a lot of property on the front portion of my acreage as my house is built on the backside of the acreage. It's my understanding that an ADU may not be positioned on acreage at the front of the existing dwelling"	1

8. Are there other elements of the ADU approval and/or construction process that may prevent you from adding on an ADU to your property? (n=2)

This question allowed for open-ended responses.

Response 1: "No"

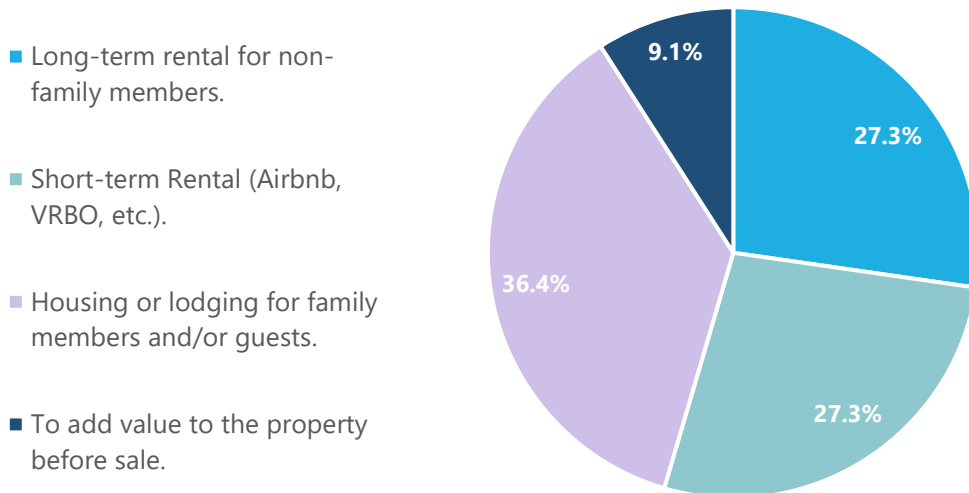
Response 2: "General understanding of the process."

9. If you had an ADU on your property, what would you primarily use it for? (n=11)

This question was only visible to respondents who said they were interested in adding an ADU to their property.

Answer	Count
Long-term rental for non-family members.	3
Short-term Rental (Airbnb, VRBO, etc.).	3
Housing or lodging for family members and/or guests.	4
To add value to the property before sale.	1

*Note: the short-term rental response included a qualifier stating that STRs are not currently allowed under County Code.



10. What is currently the primary use of your ADU? (n= 1)

This question was only visible to respondents who said that they already had an ADU on their property.

Response: Long-term rental for non-family members

11. How many people currently live in your ADU? (n=1)

This question was only visible to respondents who said that they already had an ADU on their property.

Response: 1

12. What is the approximate size of your ADU? (n=1)

This question was only visible to respondents who said that they already had an ADU on their property.

Response: 600-800 sq.ft.

13. Approximately how much do you charge in rent per month for your property? (n=1)

This question was only visible to respondents who said that they already had an ADU on their property.

Response: 800, not including utilities

14. What do you see as the main benefit of adding an ADU to your property? (n=12)

This question was only visible to respondents who said that they have considered adding an ADU to their property.

Answer	Count
Passive income	6
Property value increase	1
Living or lodging space for family members / friends	4
Expanding affordable housing opportunities in my neighborhood	1

15. How helpful would each of the following be to an ADU project? (n=12)

This question was only visible to respondents who said that they have considered adding an ADU to their property.

Respondents were asked to rank the options in order of how helpful they would be. Based on the rankings of each options, a score is given in the table below.

How helpful would each of the following be to an ADU project?	A	B	C	D	E	F	G	H	I	J	K	L	Average Score (a lower number indicates that solution is more helpful)	
Informational guide about the ADU process including application process and regulations	1	2	2	1	1	1	3	6	2	4	5	3	2.583333333	RANK 1
A program that provides design and plans assistance for the application and construction process	3	1	1	3	5	6	6	1	6	3	1	1	3.083333333	RANK 2
Reduced building requirements to include only life safety regulations	2	4	5	2	3	2	5	3	5	6	2	6	3.75	RANK 5
Resources with information about funding	5	3	3	4	4	5	2	4	3	2	3	2	3.333333333	RANK 3
Reduced setback standards for existing detached ADU conversions (i.e. garage conversion)	4	6	6	5	6	3	4	5	4	5	4	4	4.666666667	RANK 6
A program that allows pre-existing ADUs to come into compliance, with reduced permitting fees	6	5	4	6	2	4	1	2	1	1	6	5	3.583333333	RANK 4

- **Choice 1:** Informational Guide
- **Choice 2:** Design and Plans Assistance
- **Choice 3:** Funding Information
- **Choice 4:** Acceptance Program for Pre-Existing ADUs
- **Choice 5:** Reduced Building Requirements
- **Choice 6:** Reduced Setback Standards

16. Is there anything else you would like us to know about your experience with ADUs or about ADUs in your community? (n=11)

- "The previous question about what would be helpful does not work. The drag feature doesn't work in my phone."
- "My main concern would be excessive numbers of cars parked on the streets because off street parking for ADUs is nonexistent or inadequate."
- "I do not want ADU's in my community."
- "ADUs make a lot of sense as long as there is parking and the neighborhood doesn't become a street full of apartments. I don't like that so much. If an empty nester has a large house and wants to convert their basement into a rentable apartment, that seems ideal. Housing is too expensive for an average joe or couple to purchase without having to rent part of their home to o help make the mortgage payment. Can landlords fully choose their renters? Ie. Supposing I don't want anyone who drinks or smokes to be on my property. And I don't want convicted criminals to be renting my neighbors' ADU. These are things I worry about. I strongly plead that ADUs be only owner occupied. Ie the owner lives in the main house or the ADU. I hate that my neighbor created an ADU bsmt apt and then moved and rents their upstairs to one group and the bsmt to someone else. That really changes the feel of a nice neighborhood— in a bad way."
- "I have been trying to get someone out to my property to assess our lot size. We are minimally short of the size requirements, but continue to not be able to reach the right person, he doesn't return my calls"
- "I think ADUs are important for building community and helping those that need additional services and are having difficulty providing for themselves. I am fortunate enough to have property where an ADU could be built, however the positioning and height of my existing house restricts the ability for an ADU to be built as my understanding. I would greatly appreciate somebody from the municipality to provide guidance."
- "Assistance with legal paper regarding Rental Agreements, Insurance and who's responsible for what. Snow removal pop into my head"
- "These will all become Airbnbs. There are already 30,000 short term rentals in the county. That is what makes housing more expensive and less of it for those who need housing full time."
- "I want to add an ADU to my property"
- "I dont have issues with ADUs in general, but this neighborhood has pretty small lots so the likelihood of having the room to build a large structure is unlikely. Maybe limit the square footage. If something like that had been in place, I would not be subject to the container fort next door."
- "No."